IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.9446 OF 2004

Bahiri Dev Devasthan through its Trustees:

1. Janardan Narayan Mhatre & Ors. : Petitioners
(Orig.Defendants)

V/s.

Chandrahas Joma Mhatre & Ors. : Respondents
(Orig.Plaintiffs)

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Mr.V.M.Parasurami i/b. Mr.U.B.Nighot for the petitioners.

Mr.S.G.Karandikar for the respondent nos.1 to 7.

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CORAM : S.A. BOBDE, J.

August 8, 2005.

P.C.:

1. Rule, returnable forthwith.

Mr.Karandikar, learned counsel, appears and waives service of rule on behalf of the respondent nos.1 to 7.

Heard by consent.

2. After hearing the parties for sometime, the following order is passed by consent:-

O R D E R

The petitioners shall be entitled to raise the issue of jurisdiction by way of Written Statement. Thereupon they shall be entitled to apply for framing a preliminary issue of jurisdiction under Order 14 Rule 1 of the C.P.C. The Civil Court shall decide that issue first without being influenced by any observations made in the order dated 25.10.2004.

3. The petition is disposed of in the above terms.

S.A. BOBDE, J.